

UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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HELICON PARTNERS, LLC,

Plaintiff

- against-

KIM'S PROVISION CO., INC.; WON HO KIM;  
KI KIM; JANE AND JOHN DOES 1-10

Defendants  
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Adversary Proceeding No.  
12-01602-SMB

**[PROPOSED] ORDER**

This matter having come before the Court upon the Emergency Application of non-party NGF, Inc. (d/b/a NGF Warner Co.) to Vacate or Modify the Order of Attachment; and this Court having reviewed the papers submitted in support of and in opposition to this application; and this Court having considered the arguments of counsel on the record on May \_\_\_\_, 2012, it is hereby ordered:

1. The Order of Attachment issued on April 27, 2012 is vacated as to NGF, Inc. and its bank account, Signature Bank account number 500000001 : 501180188 (NGF Inc. d/b/a NGF Warner Co.);
2. Any assets, funds or monies from NGF's bank account, Signature Bank account number 500000001 : 501180188 (NGF Inc. d/b/a NGF Warner Co.), that have been transferred, moved, or otherwise disposed of without NGF's express consent since April 27, 2012

shall be returned to , Signature Bank account number 50000001 : 501180188 (NGF Inc. d/b/a NGF Warner Co.) immediately upon service of this Order on Signature Bank;

3. The asset freeze imposed in accordance with the Order of Attachment on NGF's bank account Signature Bank account number 50000001 : 501180188 (NGF Inc. d/b/a NGF Warner Co.) by the Order of Attachment issued on April 27, 2012 shall be lifted upon service of this Order on Signature Bank;

4. Helicon Partners LLC shall pay costs and damages, including attorneys fees, to NGF.

The amount of such costs, damages and attorneys fees shall be determined by this Court based upon a showing to be made by NGF, no later than May \_\_\_\_, 2012, of such costs, damages and attorneys as a result of the improper attachment of NGF's assets.

Dated: New York, New York

Issued : May \_\_\_\_, 2012

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HON. STUART M. BERNSTEIN